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UBER TECHNOLOGIES, INC. and OTTOMOTTO LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.,  
OTTOMOTTO LLC; OTTO TRUCKING LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANTS' ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL  
MOTION *IN LIMINE* NO. 22 AND  
WAYMO'S BRIEF IN OPPOSITION  
THERE TO**

Judge: The Honorable William Alsup  
Trial Date: October 10, 2017

Pursuant to N.D. Cal. Civil Local Rules 7-11 and 79-5, Defendants Uber Technologies, Inc. and Ottomotto LLC (collectively, “Uber”) submit this administrative motion for an order to file under seal portions of the briefing and certain exhibits to Defendants’ Motions *in Limine* No. 22 Waymo’s Brief in Opposition to Defendants’ Motions *in Limine* No. 22. Specifically, Uber requests an order granting leave to file under seal the confidential portions of the following:

Document	Portions to Be Filed Under Seal	Designating Party
<b>DEFENDANTS’ OPENING MIL MATERIALS</b>		
Defendants’ Motion <i>in Limine</i> No. 22 (“MIL 22”)	Highlighted Portions	Defendants (blue)
Exhibit 6	Entire Document	Third-Party Benchmark Capital Partners; Uber
Exhibit 13	Highlighted Portions	Defendants (blue)
<b>WAYMO’S OPPOSITION MATERIALS</b>		
Plaintiff Waymo LLC’s Opposition to Defendants’ Motion In Limine No. 24 (“Waymo’s Opposition to Defendants’ MIL 22”)	Highlighted Portions	Defendants (blue)
Exhibit 1 to the Declaration of Jeff Nardinelli (“Nardinelli Decl.”)	Highlighted Portions	Defendants (blue)

#### **DEFENDANTS’ MIL MATERIALS**

The highlighted portions of MIL 22 and of Exhibit 13, contain confidential or highly confidential information regarding Uber’s LiDAR development and autonomous vehicle business strategy and information about Uber’s internal deliberative processes regarding the same. This information is not publicly known, and its confidentiality is strictly maintained. Disclosure of this information could allow competitors to obtain a competitive advantage over Uber by giving them details into Uber’s internal development of LiDAR and business plans for autonomous ridesharing, which would allow competitors to understand Uber’s LiDAR development and autonomous vehicle business strategy, and allow them to tailor their own strategy. If such information were made public, Uber’s competitive standing could be significantly harmed. (*See* Goodman Decl. ISO Uber’s Administrative Motion to File Documents Under Seal. (“Goodman Decl.”) ¶ 3.) Additionally, the highlighted portions of Exhibits 6 and 13 contain Uber employee names and confidential information regarding Uber’s former CEO, the disclosure of which would threaten the privacy of

1 individuals at a company that is currently the subject of extensive media coverage. (*See* Goodman  
2 Decl. ¶ 4.)

### 3 WAYMO'S OPPOSITION MATERIALS

4 The blue highlighted portions of Waymo's Opposition to Defendants' MIL 22 and  
5 Exhibit 1 to the Nardinelli Declaration contain confidential or highly confidential information  
6 regarding Uber's LiDAR development and autonomous vehicle business strategy and information  
7 about Uber's internal deliberative processes regarding the same. This information is not publicly  
8 known, and its confidentiality is strictly maintained. Disclosure of this information could allow  
9 competitors to obtain a competitive advantage over Uber by giving them details into Uber's internal  
10 development of LiDAR and business plans for autonomous ridesharing, which would allow  
11 competitors to understand Uber's LiDAR development and autonomous vehicle business strategy, and  
12 allow them to tailor their own strategy. If such information were made public, Uber's competitive  
13 standing could be significantly harmed. Additionally, the highlighted portions of Exhibit 1 contains  
14 Uber employee names and confidential information regarding Uber's former CEO, the disclosure of  
15 which would threaten the privacy of individuals at a company that is currently the subject of extensive  
16 media coverage. (*See* Goodman Decl. ¶ 5.)

17 Pursuant to Civil Local Rule 79-5(d)(2), Uber will lodge with the Clerk the documents at  
18 issue, with accompanying chamber copies.

19 Defendants served Waymo LLC with this Administrative Motion to File Documents  
20 Under Seal on September 13, 2017.

21 For the foregoing reasons, Defendants request that the Court enter the accompanying  
22 Proposed Order granting Defendants' Administrative Motion to File Documents Under Seal and  
23 designate the service copies of these documents as "HIGHLY CONFIDENTIAL –  
24 ATTORNEYS' EYES ONLY."

1 Dated: September 13, 2017

BOIES SCHILLER FLEXNER LLP

2 By: /s/ Karen L. Dunn

3 Karen L. Dunn

4 *Counsel for Defendants*  
5 UBER TECHNOLOGIES, INC. AND  
6 OTTOMOTTO LLC  
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